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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,819	10/30/1998	THOMAS H. BAKER	60980005DXH9	3549

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EXAMINER

HUFFMAN, JULIAN D

ART UNIT PAPER NUMBER

2853

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/183,819

Applicant(s)

BAKER ET AL.

Examiner

Julian D. Huffman

Art Unit

2853

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Attached Comment On Advisory Action.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1,2,6,7,9-11,14-25,27-36,43-49 and 52.

Claim(s) objected to: _____.

Claim(s) rejected: 8,50 and 51.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Attached Comment On Advisory Action

Comments On Advisory Action

The expert declaration has overcome one of the issues, low positioning accuracy being a fraction of a dimension, regarding the 112. 1st. paragraph rejection of claim 51. The 112 1st. paragraph rejection of claims 8, 50 and 51 remains due to non entry of the amendment to correct the claimed velocity. The amendment was not entered since it changes the scope of claim 8 and requires further search and consideration.

Allowable Subject Matter

With regards to claims 1,2,6 and 10 the prior art of record does not disclose a first sensor mounted to a first carriage and a second sensor mounted to an auxiliary carriage, in the combination.

With regards to claims 7, 17, 19-25 and 52, the prior art of record does not disclose a mechanism for advancing the hood towards the recording medium, in the combination.

With regards to claims 9 and 18, the prior art of record does not disclose a mechanism for advancing a component associated with the sensor into contact with the recording medium, in the combination.

With regards to claim 11, the prior art of record does not disclose means for controlling the motor and drive train while the carriages are attached, to position the first carriage and thereby the second carriage for substantially stationary operation in refining the quality of images, in the combination.

With regards to claims 14 and 51, the prior art of record does not disclose positioning the sensor at a low velocity which is a fraction of the marking speed, in the combination.

With regards to claim 15 and 16, the prior art of record does not disclose the second carriage holding a reference target for presentation to the sensor, in the combination.

With regards to claims 27-36, the prior art of record does not disclose means for measuring at least one absolute color reference when the door is not open, in the combination.

With regards to claims 43-49, the prior art of record does not disclose at least one reference target carried on the moving carriage, in the combination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571)272-2147. The examiner can generally be reached Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, can be reached at (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JH

April 23, 2004



Thinh Nguyen
Primary Examiner
Technology Center 2800